

# Senate Study Bill 1089 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

## A BILL FOR

1 An Act relating to the sentencing of minors convicted of  
2 murder in the first degree and including effective date and  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.1, Code 2013, is amended to read as  
2 follows:

3 **902.1 Class "A" felony.**

4 1. Upon a plea of guilty, a verdict of guilty, or a special  
5 verdict upon which a judgment of conviction of a class "A"  
6 felony may be rendered, the court shall enter a judgment of  
7 conviction and shall commit the defendant into the custody of  
8 the director of the Iowa department of corrections for the rest  
9 of the defendant's life. Nothing in the Iowa corrections code  
10 pertaining to deferred judgment, deferred sentence, suspended  
11 sentence, or reconsideration of sentence applies to a class "A"  
12 felony, and a person convicted of a class "A" felony shall not  
13 be released on parole unless the governor commutes the sentence  
14 to a term of years.

15 2. *a.* Notwithstanding subsection 1, a person convicted of  
16 a class "A" felony, and who was under the age of eighteen at  
17 the time the offense was committed shall be eligible for parole  
18 after serving a minimum term of confinement of twenty-five  
19 years.

20 ~~*b.* If a person is paroled pursuant to this subsection the~~  
21 ~~person shall be subject to the same set of procedures set out~~  
22 ~~in chapters 901B, 905, 906, and chapter 908, and rules adopted~~  
23 ~~under those chapters for persons on parole.~~

24 ~~*c.*~~ *b.* A person convicted of murder in the first degree in  
25 violation of section 707.2 shall not be eligible for parole  
26 pursuant to this subsection.

27 3. *a.* Notwithstanding subsections 1 and 2, a person  
28 convicted of murder in the first degree in violation of section  
29 707.2 who was under the age of eighteen at the time the offense  
30 was committed shall be eligible for parole after serving a  
31 minimum term of confinement of forty-five years, unless at the  
32 time of sentencing the court finds substantial and compelling  
33 reasons to impose a life sentence without the possibility of  
34 parole.

35 *b.* If the court at the time of sentencing imposes a sentence

1 of life without the possibility of parole, the judge shall  
2 state on the record at the time of sentencing the substantial  
3 and compelling reasons justifying a life sentence without the  
4 possibility of parole. In determining whether to impose a  
5 sentence of life without the possibility of parole, the court  
6 shall consider all mitigating and aggravating factors including  
7 but not limited to the following:

8 (1) The age of the person and the level of maturity at the  
9 time of the offense.

10 (2) The degree of participation in the offense by the  
11 person.

12 (3) The nature of the offense.

13 (4) The severity of the offense.

14 (5) The prior juvenile or criminal record of the person.

15 (6) The likelihood of the person to commit further juvenile  
16 or criminal offenses.

17 (7) Any other information considered relevant by the court.

18 4. If a person is paroled pursuant to subsection 2 or 3, the  
19 person shall be subject to the same set of procedures set out  
20 in chapters 901B, 905, 906, and 908, and rules adopted under  
21 those chapters for persons on parole.

22 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24 Sec. 3. APPLICABILITY. This Act applies to a person who  
25 was under the age of eighteen at the time the murder in the  
26 first degree was committed and who is convicted prior to, on,  
27 or after the effective date of this Act.

28 EXPLANATION

29 This bill relates to the sentencing of class "A" felons  
30 convicted of murder in the first degree.

31 Under current law, a class "A" felon who was under the age of  
32 18 at the time the offense was committed shall be eligible for  
33 parole after serving a minimum term of confinement of 25 years  
34 if the person committed a class "A" felony other than murder in  
35 the first degree in violation of Code section 707.2.

1 Under the bill, a person convicted of murder in the first  
2 degree in violation of Code section 707.2 who was under the age  
3 of 18 at the time the offense was committed shall be eligible  
4 for parole after serving a minimum term of confinement of  
5 45 years, unless at the time of sentencing the court finds  
6 "substantial and compelling reasons" to impose a life sentence  
7 without the possibility of parole. The changes in the bill  
8 are in response to the U.S. Supreme Court case of Miller v.  
9 Alabama, 132 S.Ct. 2455 (2012).

10 Under the bill, the "substantial and compelling reasons"  
11 to be considered by the court at the sentencing include the  
12 following: the age of the person and the level of maturity at  
13 the time of the offense; the degree of participation in the  
14 offense by the person; the nature of the offense; the severity  
15 of the offense; the prior juvenile or criminal record of the  
16 person; the likelihood of the person to commit further juvenile  
17 or criminal offenses; and any other information considered  
18 relevant by the court.

19 The bill also takes effect upon enactment.

20 The bill applies to a person who commits murder in the first  
21 degree while under the age of 18 and who is convicted prior to,  
22 on, or after the effective date of the bill.